

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 20, 2012

Lyle W. Cayce
Clerk

No. 11-40628
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

GREGORY GRANT NOBLE,

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:09-CR-30-1

Before SMITH, BARKSDALE, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Gregory Grant Noble appeals the sentence of 151-months' imprisonment imposed following his guilty-plea conviction of bank robbery under 18 U.S.C. § 2113(a). He contends the Government breached the plea agreement by supporting application of the Sentencing Guidelines' career-offender provision. U.S.S.G. § 4B1.1. Review is *de novo*. *E.g.*, *United States v. Roberts*, 624 F.3d 241, 245 (5th Cir. 2010).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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The written plea agreement stipulated a base offense level of 20, but contained the following provision: “The parties also agree that the defendant’s offense level may be affected by the criminal history calculation by the United States Probation Office, and it will not be a violation of this agreement for either party to argue for or against the changed offense level resulting from the defendant’s criminal history.” The Government’s subsequent support of the career-offender enhancement is consistent with this provision. *See id.* at 245-46.

AFFIRMED.